

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

HERBERT F. BARKER, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 2:13-22110

CAROLYN W. COLVIN,  
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Dwane L. Tinsley, entered on August 28, 2014; and the magistrate judge having recommended that the court affirm the final decision of the commissioner and dismiss this matter from the court's docket; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that:

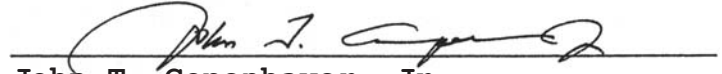
1. The findings made in the Proposed Findings and Recommendation of the magistrate judge be, and hereby are, adopted by the court and incorporated herein;
2. The plaintiff's motion for remand be, and hereby is, denied;

3. The commissioner's motion for judgment on the pleadings be, and hereby is, granted; and

4. The decision of the Commissioner be, and hereby is, affirmed.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

DATED: September 18, 2014

  
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John T. Copenhaver, Jr.  
United States District Judge